



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
 )  
 Byron G. Merrell et al. )  
 ) Art Unit  
 Serial No. 10/767,871 ) 1764  
 )  
 Filing Date: January 29, 2004 )  
 )  
 Confirmation No.: 4119 )  
 )  
 For: RETORT HEATING APPARATUS AND )  
 METHODS OF USE )  
 )  
 Examiner: Alexis A. Wachtel )

TERMINAL DISCLAIMER

Commissioner for Patents  
 PO Box 1450  
 Arlington, Virginia 22313-1450

Sir:

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Your petitioner, Oil-Tech, Inc., a corporation of Utah, having a principal place of business at 9 Zeck Road, Morris Plains, New Jersey 07950, by and through Dana L. Tangren, its attorney of record, represents that it is the sole owner of 100 percent interest in the above-identified patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference Application No. 10/767,838, filed January 29, 2004**, as such term is defined in 35 USC §§ 154 and 173, and as the term of any patent granted on said **reference application** may be shortened by any

terminal disclaimer filed prior to the grant of any patent on the pending **reference application**. The Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the any patent granted on the **reference application** are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §§154 and 173 of the patent granted on said **reference application**, "as the term of any patent granted on said **reference application** may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference application**," in the event that: any such patent: granted on the pending **reference application**: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Dated this 24 day of March 2006.

Respectfully submitted,



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